

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA RODNEY,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

**DECLARATION OF JOHN
SCHEMITSCH IN SUPPORT
OF DEFENDANTS' PARTIAL
MOTION TO DISMISS THE
COMPLAINT**

22-cv-1445 (LAK)

----- X
John Schemitsch, an attorney, duly admitted to practice in the Southern District of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants City of New York, Sgt. Hernandez, and Officer Clement in the above-captioned case.

2. I am familiar with the facts of this case and submit this declaration to place the relevant documents on the record in support of defendants' partial motion to dismiss the Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

3. Annexed hereto as Exhibit A is plaintiff's Complaint, which was filed on February 23, 2022 on the Civil Docket as Document No. 5.

4. Exhibit B is video of the alleged incident recorded through the body worn camera of one of the police officers present, which is linked to and referenced in plaintiff's complaint at ¶ 39. Exhibit B can be viewed via the link provided in the Complaint:

https://www.dropbox.com/s/voti2r13wd64gu6/2_Extraction_1_1_AXON_Body_2_Video_2020-12-02_1803.mp4?dl=0

5. Annexed hereto as Exhibit C are three still frame images captured from the video contained in Exhibit B.

Date: New York, New York
June 27, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
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Hernandez, and Officer Clement*
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By: /s/
John Schemitsch
Senior Counsel

cc: **BY ECF**
ALL COUNSEL OF RECORD